

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JERRY DENNARD HOLLOWAY  
aka STEPHAN DARRELL WILLIAMSON,

Case No. 2:17-cv-01416-JAD-CWH

Petitioner

## **Order Dismissing Action**

VS.

STATE OF NEVADA, *et al.*,

## Respondents

This is a *pro se* petition for a writ of habeas corpus filed under 28 U.S.C. § 2254 by a state prisoner. Neither a filing fee nor an application to proceed *in forma pauperis* was attached with the petition. When filing a habeas action, petitioner must either submit the \$5.00 fee for habeas petition or an application to proceed *in forma pauperis*. Due to the lack of *in forma pauperis* application or filing fee, this case will be dismissed without prejudice to the filing of a new petition in a new action with a pauper application with all required attachments. It does not appear from the papers presented that a dismissal without prejudice would result in a timely-filed new petition being untimely.

**IT IS THEREFORE ORDERED** that this action is **DISMISSED** without prejudice to the filing of **a new petition in a new action**. Petitioner at all times remains responsible for calculating the running of the limitations period as applied to his case and properly commencing a timely-filed habeas corpus action.

**IT IS FURTHER ORDERED** that the Clerk of the Court shall send petitioner the following: (1) two copies of an *in forma pauperis* application form for a prisoner and one copy of the instructions for the application, (2) two copies of a blank 28 U.S.C. § 2254 habeas petition form and one copy of instructions for the petition; and (3) a copy of the petition (ECF No. 1-1).

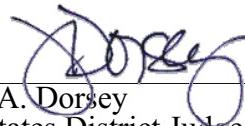
**IT IS FURTHER ORDERED** that petitioner may file a new petition in a new action, but may not file any more documents in this action.

1           **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

2 Reasonable jurists would not find the dismissal of the improperly-commenced action without  
3 prejudice to be debatable or wrong.

4           **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment  
5 accordingly and close this case.

6           DATED: May 31, 2017

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Jennifer A. Dorsey  
United States District Judge